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Items 6 and 10 of the provisional agenda

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by the International Human Rights Law Group, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 January 1999]

GE.99-10484 (E)

Environmental racism

1. The International Human Rights Law Group seeks to highlight environmental racism in the United States of America.

2. The Law Group welcomes the Commission's existing mechanisms designed to address racism around the world: the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and his annual reports and country missions, and the Commission's annual resolutions on racism, racial discrimination, xenophobia and related intolerance; the Group also welcomes the decision to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance no later than 2001.

3. Environmental racism is a modern form of racial discrimination. Environmental racism refers to any government action, or failure to act, or an action of a private entity that has an environmental impact which disproportionately disadvantages - whether intentionally or unintentionally - individuals, groups or communities based on race or colour. For a disproportionate percentage of racial minorities in the United States, environmental racism imposes costs that are both economic and human: shorter life spans, higher infant mortality rates, higher health care expenses, poor housing, and an overall diminished quality of life.

4. In the United States, federal environmental laws, regulations and policies are enforced, in the first instance, at the state and local levels. State and local enforcement practices have resulted in a clear pattern of environmental racism. Federal environmental protections are applied in a discriminatory fashion - when they are applied at all. For example, white communities generally see faster government action and better results than communities of colour, and violators in white communities suffer stiffer penalties. While certain government agencies have taken steps to address these issues, on the whole the United States environmental protection structure reinforces rather than challenges racial stratification. Moreover, the power of State government is vast; in certain respects, each State is a sovereign entity. Therefore, when patterns of environmental racism are found, it is critical that the appropriate federal remedies be available. Yet neither United States anti-discrimination law nor United States environmental law offers effective remedies for environmental racism.

5. In the United States, approximately 28 per cent of the population consists of non-white racial minorities. Objective research on key environmental problems, including industrial hazardous waste, uranium mining, lead poison and poor air quality, demonstrates a pattern of environmental racism in the United States. Examples of this research are detailed in the following paragraphs.

6. Race is the single most determinative factor in the location of commercial hazardous waste sites, more so than income, home ownership rate and

property values. Three out of five African Americans live in communities with uncontrolled toxic waste sites. Three of the five largest commercial hazardous waste landfills are located in predominantly African American or Latino communities; together, these landfills account for 40 per cent of the country's total estimated landfill capacity. Environmental hazards, such as uranium mining threaten the very survival and culture of Native Americans, while 270,000 Latino migrant workers are poisoned each year by dangerous pesticides.

7. Lead, a chemical used in household paints and banned for use in residential buildings since 1978, affects between three and four million children in the United States - most of whom are African American and Latinos who live in urban areas. Lead poisoning is the number one environmental health threat to children of colour in America. The most recent data show that over 28.4 per cent of low-income black children aged 1 to 5 had blood lead levels above the United States legal standard. African American children are lead poisoned at two to three times the rate of white children.

8. African Americans and Latinos are more likely to live in areas with reduced air quality than are whites. In 1990, 65 per cent of African Americans and 80 per cent of Hispanics lived in 437 counties with substandard air quality. Poor air quality translates into increased public health risks. Asthma has reached epidemic proportions in the United States. Asthma is the number one reason for childhood emergency room visits in most United States cities. The most vulnerable population is low-income African Americans and Latino Americans. African Americans are two to six times more likely to die from asthma than whites. Similarly, the hospitalization rate for African Americans suffering from severe asthma is 3.4 times the rate for whites.

9. In addition, certain geographic segments of the United States have become environmental dumping grounds for the rest of the country's polluting industries. In particular, black communities in the southern region of the United States, Latino communities along the United States-Mexico border, Native American reservations and urban ghettos suffer disproportionately. Two examples are Louisiana's petrochemical corridor, a predominantly African American community along the lower Mississippi River appropriately named "Cancer Alley", and the mineral extraction region on or near Navajo and Hopi reservations in New Mexico and Arizona. In these regions government and private industry take advantage of communities that have been and continue to be politically and economically marginalized.

10. The United States Government has binding international obligations to address environmental racism. Given the wealth and resources of the United States, it is clear that it has not prioritized the elimination of environmental racism. The fact that full realization of rights can only be achieved progressively does not alter the nature of the international obligations of the United States. Therefore, the burden is on the United States to demonstrate that it is making measurable progress towards the elimination of environmental racism and the availability of effective remedies.

11. There is a need for United Nations human rights mechanisms to examine human rights violations in the United States of America that constitute environmental racism. We urge the Commission on Human Rights to consider a joint mission comprised of the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights to examine the economic, political and social hardships for people of colour in the United States that are caused by environmental racism.

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EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS: ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS MACHINERY FOR HUMAN RIGHTS

RATIONALIZATION OF THE WORK OF THE COMMISSION

Written statement submitted by the International League for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 January 1999]

GE.99-10488 (E)

On the report of the Bureau of the fifty-fourth session of the Commission on Human Rights submitted pursuant to Commission decision 1998/112

1. The Bureau's report (E/CN.4/1999/104) represents an important study of the expanding work of the Commission on Human Rights with many welcome contributions. However, as a compromise document incorporating the views of various Governments, many of whom work actively to obstruct the promotion and protection of human rights and the strengthening of the rule of law over their powerful States, the report indicates that the Commission has not yet achieved the necessary political will to serve as the human rights conscience of the United Nations, much less of humankind.

2. The very oft-repeated phrase "promote and protect" contains encoded within it a deadly device of delay and distraction from severe human rights crises. By merely "promoting" human rights - speaking rhetorically, educating, advising and assisting - and "protecting" - establishing mechanisms that are supposed to defend human rights - the United Nations has avoided confronting the necessity of *implementing* human rights, *intervening* in human rights situations, *acting* in a timely fashion to prevent human rights violations, and *exposing violations to public opprobrium* when necessary. By leaving such activities largely to the NGO community, the Commission loses a crucial moment in history when reform of the United Nations is emphatically under way under the leadership of Kofi Annan.

3. If the Commission is serious about enlisting non-governmental actors and increasing "grass-roots awareness about special procedures" it must aggressively embark upon (i) an education campaign to explain the mandates and use of the special procedures through OHCHR's Website and printed pamphlets; (ii) publication of the work plans, trip schedules, names of staff and their fax and e-mail address for each mandate on the Website; (iii) easy access to the work of the rapporteurs and experts on the Website (e.g. no one should have to guess that they lie three levels under a heading called "structures"). Special rapporteurs should be encouraged to spend more than three days in a country, and to provide ample opportunity for NGOs to provide information both before, during, and after their trips, and should be encouraged to add updates on crucial developments in their oral reports to the Commission or the General Assembly.

4. The Bureau's report repeatedly notes the need for follow-up and implementation, and yet indicates no form of real consequences for those Governments which fail to issue invitations to rapporteurs or follow up on their proposals. The report does not grapple with the question of the lack of connection between the Commission, OHCHR and the Security Council - there is no encouragement for either the High Commissioner or individual rapporteurs to report directly to the Security Council in person, or to have a rapid pipeline established for their materials to reach the Office of the Secretary-General; indeed, most thematic rapporteurs (11 out of 15), e.g. on freedom of expression and torture, do not even report to the General Assembly, but only to the Commission.

5. In revising the "1503 procedure", a desperately needed reform, it must be emphasized that the "five independent experts" in the proposed Committee on

Situations (rec. 11) and the newly proposed and renamed Sub-Commission, to consist of 15 members (rec. 12), must truly be independent, that is, not persons currently employed by the foreign or other ministries of their nations, but publicly recognized as dispassionate and impartial precisely because they represent not a Government, but an institution of civil society. Deadlines must be established on the communications referred back to Governments and an appeals procedure incorporated for complaints which are not referred to the Commission.

6. Regrettably, the Sub-Commission, under the envisioned reforms, loses its role as a conveyor belt of situations not addressed by the Commission through its country resolutions, e.g. the resolution adopted at the fiftieth session on Belarus, or the draft resolution on Algeria, which failed to be adopted but which nevertheless drew attention to a critical situation. In order to prevent the "analytical reports to the Commission" (in lieu of negotiated resolutions) from degenerating into the type of absurd and irrelevant reporting now done at the Commission, a further elaboration of its brief must be established, mainly in the direction of serving as an early warning on situations not yet reaching the attention of the Commission or its special procedures.

7. The report repeatedly outlines three strands of activity for each mechanism: "effective promotion and protection of human rights can rarely be achieved without a combination of ingredients, including: frank and genuine dialogue; the identification of opportunities for advice and assistance to willing Governments; and objective monitoring and fact-finding, which is an essential starting point and sine qua non for the work of the special procedures" (executive summary).

8. Such modes of endeavour as the "hard" functions of monitoring and reporting on human rights violations should not be confused with the widely divergent "soft" functions of dialogue, negotiations, advice and assistance. While the Commission viewed as a whole may undertake some of these functions, the stress should not be placed on each individual mechanism to perform all three types of activity. Sometimes Governments, either at the bilateral level or at the level of the Security Council, or in regional institutions, are unwilling to exert the political will to address the underlying human rights situations which lead to widespread deterioration of human rights, armed conflict, refugees and famine. They shift this burden onto the Commission, so that the High Commissioner, and the rapporteurs, sense that the responsibility for delicate diplomacy, creation of openings and opportunities, polite but meaningless dialogue in order to keep a country engaged - all fall on their shoulders. But rapporteurs are so called because they must *report*, not engage in diplomacy. The High Commissioner is so called because he or she is *commissioned* with a specific task to perform, which ought to be defined as: (i) vigorous advocacy; (ii) early warning; (iii) intervention: (iv) and even confrontation when a situation warrants it. Diplomatic niceties should be left to diplomats, so that the Commission and its working groups, experts and mechanisms can get on with the task of objectively and effectively reporting on human rights free from political entanglement.

9. In observation 11, in section II.B, the report thus commingles reporting, fact-finding and advocacy (intervention with concerns about serious

human rights violations) with "dialogue" and "advice". OHCHR staff and some rapporteurs will be kept busy talking with reluctant Governments, setting up law libraries, devising judges' training programmes and sponsoring essay contests for high school students on what the Universal Declaration of Human Rights means - even as a Government disbars lawyers or detains, fines, imprisons and mistreats numerous citizens, thus requiring quite a different type of activity from the mechanisms. "Technical assistance to willing Governments" implies that if a Government - in order to escape more severe criticism by the Commission or other bodies - consents to "training" and delivery of aid or equipment, a victory is declared, and it has been "let off the hook". Too often, such technical assistance is essentially a soft loan, and serves only as a distraction from severe, deep-seated human rights problems. Particular attention must be paid to this pitfall in view of the recent agreement for cooperation between OHCHR and the United States Agency for International Development, about which a litany of worst practices can be recited, in Africa as well as in the countries of the former Soviet Union.

10. A moral dilemma is created by the commingling of functions when a Government, such as China, has arrested hundreds of activists for seizing upon the promise of the International Covenant on Civil and Political Rights, if the Commission and OHCHR are seen to dilute or downplay human rights commentary in the interests of the preservation of dialogue - a dialogue already sustained by numerous Governments at the bilateral level, and numerous businesses at the trade level, leaving the way free for greater impartiality by the United Nations. Such, for example, was the recent statement by the High Commissioner calling for "fair trails" of persons detained in China (instead of their unconditional release), although access to lawyers, and the lack of independence of the judiciary, is well documented.

11. The notion of cutting back working groups to single rapporteurs (rec. 1) must be jettisoned. A working group provides a group of distinguished and highly competent minds which can be brought to bear, with different perspectives, on intractable situations always represented in countries with chronic and widespread detention. When a working group enters a country, it garners far more respect and displays far more gravitas than a single individual. A working group can assume work on a variety of cases, impossible for an individual.

12. The notion of "consensus" in the work of the Commission must be resolutely rejected, as violating countries, and blocs supporting the violator, can always thwart the mechanisms.

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Fifty-fifth session
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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN

Written statement submitted by Christian Solidarity International, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 January 1999]

GE.99-10493 (E)

Slavery and rape of women and girls in the Sudan

1. Christian Solidarity International (CSI) submits this statement on the strength of over 20 visits to the Sudan - the most recent from 7 to 14 January 1999 - to investigate, inter alia, slavery in the Sudan. Since October 1995, CSI's Slave Redemption Programme in southern Sudan has freed over 5,000 slaves, the majority of whom are women, young girls and children. In interviews with the victims of slavery and their families, CSI has accumulated overwhelming evidence of the terrible trauma inflicted on these women who must endure not only the pain of being forcibly removed from their homes, but the utter humiliation and loss of dignity occasioned by sexual abuse from the National Islamic Front (NIF) - supported by armed raiders and the masters to whom they are eventually sold.

2. The resurgence of slavery in the Sudan is directly related to the imposition of radical Islamism and the totalitarian ideology of jihad ("holy war") since 1992 by the NIF-controlled Government of Sudan (GOS). Slave raids, together with conventional warfare, are among the means used by the GOS to carry out its avowed policy of the enforced Islamization and Arabization of the entire country by literally tearing apart the fabric of southern and Nuba Mountain communities.

3. The violence perpetrated against women which this policy implies is traumatic in the extreme. Captured in their tens of thousands, these women and their children, mostly from northern Bahr el Ghazel and the Nuba Mountains, are deemed "infidels" and hence regarded as war booty by their captors. Divided from their families they are bought, sold, and delivered into the hands of their owners, to be used and abused to perform domestic labour and sexual services. Many of the victims are given Muslim names, forced to abandon their own cultural identity, and, in some cases, subjected to ritual genital mutilation. Failure to conform leads to severe beatings.

4. Interviews with slaves freed by CSI reveal a depressing pattern of abuse. In September 1998, Nanut Marac Bul, a 25-year-old mother enslaved in May 1992 from the village of Angot, told CSI:

> "The Murahaleen came at night while I was sleeping. ... A man wearing a jellabeya came inside and tied my hands with a rope. I was forced to walk for about 9 days, until we reached Karega. On the way I was forced to perform sexual acts with Jima. He was the one who caught me. Jima sold me to Mohammed, who took me to his home in Tabun. Many members of my family were also caught in the raid, but we were separated, and I never saw them again. I had to cook and do different jobs around the house. Mohammed had an Arab wife, but he used me as a concubine. He would come to me at night ... I have two of his children." 1/

5. Equally distressing is the fate of the "State slaves" held in State-run concentration camps (referred to by the GOS as "peace villages") in Government-controlled areas of Sudan. There, the children are separated from their mothers and compelled to attend militant Koranic schools, in order to be indoctrinated in NIF ideology, while the women are sent to work as unpaid day labourers in private homes or on farms.

6. CSI's extensive documentation of slavery in the Sudan from numerous Arab and Dinka sources includes the evidence of former State slaves such as Rebecca Ayuen Deng, who was captured by members of the Popular Defence Forces (PDF) near Nyamlell during the NIF offensive of May 1998. First she was taken, along with many others, to Nyamlell where the Commissioner of Ed Daien (Abdelrahman Kidder) had the abducted persons videoed. From there she was sent to the Khor Omer camp (officially referred to as the Asaliah Camp) which, according to Deng:

> "... is guarded by the PDF security men, and is controlled by the Governor of Dafur (El Hajj Adam Yousef) and the Commissioner of Ed Daien. They invited an organization called Dawa Islamiyya to run the camp. The Dawa Islamiyya people were all Arabs ... The children have to stay at the khalwa (Koranic school). The women are taken to farms to work in the field, or to homes to do cleaning and laundry. Some of the women said that others were shot dead when they tried to escape. ... People were treated very badly in the camp. Some were beaten. ..." 2/

7. As a direct consequence of the war, some 4 million Sudanese are internally displaced, 3/ thus providing an enormous pool of vulnerable, defenceless people of whom the majority are women, young girls and children. These large displaced populations in the Sudan are not only a by-product of the war but constitute part of a two-pronged government strategy: since the late 1970s, economic policy in the Sudan has emphasized the replacement of subsistence farming with capital-intensive, mechanized means of production. This emphasis on large-scale agriculture dovetails with the creation of "peace villages", where women are used as a source of cheap agricultural labour. Furthermore, by removing these women and children from their own indigenous cultures the GOS facilitates their conversion to Islam.

8. This policy is taking place "with the knowledge of the GOS", as was first confirmed by Mr. Gáspár Bíró in his 1995 interim report to the General Assembly (A/50/569, paras. 74(a) and 75). In introducing his 1995 report to the Commission on Human Rights on 16 April 1996, Mr. Bíró concluded: "We have reached a stage where the facts are no longer debatable." He reaffirmed this in April 1998 when presenting to the Commission his last report on the situation of human rights in the Sudan.

9. Evidence clearly suggests that the practice of slave-taking, the sale of victims to private households or impoundment in labour camps, and the incidents of sexual violence committed against enslaved women in accordance with government policy constitute crimes against humanity, within the meaning of article 7 of the Rome Statute of the International Criminal Court (adopted by the United Nations Conference of Plenipotentiaries on 17 July 1998), which provides that:

> "1. For the purpose of this Statute, 'crime against humanity' means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: ...
>
> "(c) Enslavement;

"(d) Deportation or forcible transfer of population;

"(g) Rape, sexual slavery, ... forced pregnancy, ... or any other form of sexual violence of comparable gravity; ..."

10. In accordance with recent law, as set down in Prosecutor v. Dusko Tadic (International Criminal Tribunal for the Former Yugoslavia, Case No. IT-94-1-T, paras. 618-660), for an act to be a crime against humanity it must take place within the context of armed conflict and be committed against the civilian population on a widespread or systematic fashion on racial, religious, ethnic or political grounds pursuant to a recognizable policy. CSI submits that an armed conflict does exist in the relevant territory as it has at all pertinent times and that an aspect of this conflict is the intent to commit acts of enslavement and rape against the women of southern and Nuban tribes within the GOS's aim of creating an Arab-Islamic State.

11. Crimes against humanity are punishable as crimes under international law and any person who commits an act which constitutes a crime under international law is, therefore, responsible and liable to punishment. As the facts are now irrefutable, CSI calls upon the international community to condemn, as a matter of urgency, the brutal enslavement and rape being perpetrated against vulnerable women, and to bring to justice those responsible for these crimes. In the words of the United Nations Secretary-General, Kofi Annan: "There can be no global justice unless the worst of crimes - crimes against humanity - are subject to the law." 4/

12. CSI calls upon the United Nations and its Member States to:

(a) Condemn in the strongest terms the crimes against humanity committed by agents of the Government of the Sudan, acting with its knowledge, consent or express approval;

(b) Activate the existing United Nations mechanisms and procedures in order to bring to an end the grave violations of human rights in the Sudan, including urgent measures to prevent further cases of slavery, slave-trading in women, young girls and children, and rape;

(c) Establish without delay, under the auspices of UNICEF, a programme to retrieve slaves along the lines of the largely successful family reunification programme (including unaccompanied minors) launched by this agency in southern Sudan in the early 1990s;

(d) Compel the GOS to bring to justice the perpetrators of these crimes.

13. Reiterating its urgent appeal to the High Commissioner for Human Rights of 2 December 1998, International Day for the Abolition of Slavery, CSI appeals to the fifty-fifth session of the Commission on Human Rights to take

all the necessary and urgent steps to stop immediately the ongoing crimes against humanity being committed by agents of the Government of Sudan, especially the enslavement and sexual degradation of women and young girls, which are among the cruellest and most blatant crimes against humanity.

Notes

1/ CSI trip report, 5-10 September 1998.

2/ CSI trip report, 25-31 October 1998.

3/ Dr. J. Millard Burr, Quantifying Genocide in Southern Sudan and the Nuba Mountains 1983-1998.

4/ In a message to the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, 17 July 1998.

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PROMOTION AND PROTECTION OF HUMAN RIGHTS

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Written statement submitted by Human Rights Advocates, Inc., a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[7 December 1998]

GE.99-10504 (E)

A call upon states to work toward abolishing the juvenile death penalty

1. Human Rights Advocates (HRA) supports and encourages the work of the Special Rapporteur on extrajudicial, summary or arbitrary executions in the effort to abolish the death penalty. To date, 103 countries have either abolished the death penalty for all crimes (63 countries), abolished it for ordinary crimes (16 countries), or abolished it de facto (24 countries). 1/ HRA recommends that States continue to cooperate with the Special Rapporteur and strive for worldwide abolition of capital punishment, especially as it pertains to juveniles.

2. Since 1990, six countries have executed persons who were under the age of 18 at the time of their capital offence. These countries are Iran, Nigeria, Pakistan, Saudi Arabia, the United States and Yemen. 2/ Iran, Nigeria, Pakistan, Saudi Arabia and Yemen have executed a total of nine juvenile offenders between them. 3/

3. Since only six countries are currently enforcing the juvenile death penalty, 4/ a practice prohibited by the International Covenant on Civil and Political rights (ICCPR) and the Convention on the Rights of the Child (CRC), the prohibition of the juvenile death penalty should be customary international law. This conclusion is bolstered by the fact that the prohibition against applying the death penalty to juvenile offenders is non-derogable in those treaties. 5/ Furthermore, most countries that have not abolished the death penalty have done so for offenders younger than 18 years of age.

Iran

4. Iran ratified the ICCPR in 1976 and the CRC in 1994. To date, it is unclear how many juvenile offenders are on death row, but it has been documented that at least one juvenile offender was executed in 1990 and three in 1992. 6/ Amnesty International reported the story of a 15-year-old girl who was sentenced to death in 1993, but at the time of its May 1995 report, it was unknown whether or not she had been executed. 7/ Iran has been and continues to be reluctant to provide detailed information to the Special Rapporteur on extrajudicial, summary or arbitrary executions. 8/ The Special Rapporteur in his report to the Commission in 1996, requested that the Government provide official information on the number of executions that have been carried out since the beginning of Iranian year 1373. 9/ In 1997, Iran finally responded to some of the Special Rapporteur's inquiries, but none of the information related to the juvenile death penalty. 10/ In March 1997, the Special Rapporteur did not receive a response to an urgent appeal sent on behalf of two 16-year-old offenders sentenced to death for committing murder. 11/ From January 1997 to September 1997, the Special Rapporteur received reports regarding the imposition of the death penalty on minors, 12/ a matter of considerable concern.

Nigeria

5. Although Nigeria has ratified the ICCPR, Nigeria violated the ICCPR by hastily and publicly executing in July 1997 a 17 year-old who had committed armed robbery at the age of 15. 13/ The juvenile offender was executed only

two months after he was sentenced to die. 14/ In 1997, a second juvenile, convicted of robbery, was also given a death sentence, but it was commuted to life imprisonment. At this point, it is unknown how many juvenile offenders are on death row.

Pakistan

6. Pakistan has yet to ratify the ICCPR, but ratified the CRC in 1990. It is unknown how many juvenile offenders are currently on death row in Pakistan, but the last known juvenile to be executed, in 1997, had received a death sentence in 1991 for an armed robbery and triple murder he committed at the age of 14 years. 15/ Currently, Pakistan has no minimum age for being sentenced to death. However, in 1995, the Child Offenders Bill was introduced into Parliament, which would set 16 as the minimum age for death penalty eligibility. 16/ Although this is a step in the right direction, the legislation still falls short of the standard set by the ICCPR and the CRC, which do not allow the imposition of the death penalty to persons under 18 at the time of the offence. In his 1998 report, the Special Rapporteur noted with concern that Pakistan had not provided any replies to his communications for the preceding three years. 17/

Saudi Arabia

7. Saudi Arabia has not yet ratified the ICCPR, but ratified the CRC in 1996, without reservations. Since Saudi Arabia is secretive with its statistics, it is unknown how many juveniles have been executed in the past decade, or how many are currently sitting on death row. However, records indicate that at least one juvenile offender was executed in 1992, for blasphemy, 18/ and that those awaiting execution could include a group of Pakistani nationals, including children as young as five, held in secrecy on drug offences. 19/ In his 1996 report, the Special Rapporteur on extrajudicial, summary or arbitrary executions noted with regret that he had not received any replies from the Government to his inquiries on these issues. 20/

United Arab Emirates

8. The United Arab Emirates ratified the CRC in 1997, without reservations, but it has not yet ratified the ICCPR. The country still retains national legislation which allows minors to be eligible for the death penalty. 21/ It is unknown how many juvenile offenders are on death row. The Special Rapporteur on extrajudicial, summary or arbitrary executions regretfully had not received a reply from the Government at the time of his 1996 report. 22/

United States

9. The United States ratified the ICCPR in 1992 with a reservation to article 6. 23/ The United States is one of only two countries that have not ratified the CRC. 24/ The United States is, by far, the worst offender of human rights, with 12 juvenile executions since the death penalty was reinstated in that country in 1976. 25/ In 1998 alone, three juvenile offenders were executed in the United States, the only country in 1998 to execute a juvenile offender. 26/

10. Currently, there are 74 juveniles on death row in the United States. 27/ Two thirds of these juveniles belong to minorities and nearly two thirds of the victims were white. 28/ Twenty-four of the 38 states in which the United States authorizes the use of the death penalty, and the Federal Government, set the minimum age for death penalty eligibility below 18. 29/ The United States Supreme Court ruled that 15-year-olds were too young to receive a capital sentence, but has expressly allowed juveniles of 16 and 17 years of age to be sentenced to death. 30/

11. Twenty-seven of the 74 (36 per cent) juvenile offenders awaiting death reside in Texas. 31/ Twenty-three of the 27 belong to minorities. 32/ The typical offender on death row in Texas is either an African American or Hispanic male who committed the crime at age 17 against a white adult victim. 33/

12. In the past 15 years, the overall death row population in the United States has risen by 189 per cent and the number of juvenile offenders under a death sentence has risen by 124 per cent. 34/ Astoundingly, the increase for 1998 alone was 24 per cent overall and 21 per cent for juveniles. 35/

13. Without a doubt, the United States is rapidly moving away from the international goal of abolishing the death penalty. 36/ Furthermore, the United States has ignored the Commission on Human Rights resolution 1998/8 that specifically called upon all States to ratify the Second Optional Protocol to the ICCPR, which aims at abolishing the death penalty. 37/

14. Since the fifty-fourth session of the Commission, the United States has clearly neglected to follow the Commission's call to reduce the number of offences that are eligible for capital punishment. 38/ In 1998, the United States Congress considered legislation that would expand the crimes in which juveniles in federal court could be prosecuted as adults, thus subjecting more juveniles to the death penalty. 39/ Additionally in 1998, the State of Mississippi expanded capital offences for juveniles to include murders that occur on school property. 40/

Yemen

15. Although Yemen ratified the ICCPR in 1993, Yemen executed a juvenile who was merely 13 at the time of his offence. 41/ Even though Yemen instituted a new Model Penal Code in 1994, which raised the minimum age for death penalty eligibility to 18, a juvenile offender's death sentence from 1995 was upheld by the Supreme Court and was ratified by the President in 1997. 42/ The juvenile was 16 at the time he committed the offence. Theoretically, Yemen has moved in the right direction towards abolishing the juvenile death penalty. However, it is unknown how many other juvenile offenders are on death row. Unfortunately, Yemen has not replied to any of the communications sent by the Special Rapporteur during the past three years. 43/

Recommendations

16. **HRA recommends that the Commission encourage Iran, Nigeria, Pakistan, Saudi Arabia, the United Arab Emirates, the United States of America and Yemen**

to stop defying the international norms regarding the juvenile death penalty. Those countries should be required to submit reports to the Commission every year that detail their progress on efforts aimed at prohibiting the juvenile death penalty.

17. HRA recommends that the Commission request those countries to submit specific information on the following:

Efforts to educate its public about the juvenile death penalty and the international treaties against it;

Progress that each country is making in setting the statutory minimum age limit at 18 for death penalty eligibility and in commuting or overturning current juvenile death sentences;

Reasons as to why each country is not working towards abolishing the juvenile death penalty, if the country is not working towards prohibiting it.

18. Additional specific information that could be requested of Governments, with federal/state or provisional divisions, includes:

Detailed reports on steps taken to inform and educate each of its states and its citizens about the requirements of the ICCPR and the prohibition of the juvenile death penalty;

Efforts towards taking a leadership role as to its states/provinces;

Efforts to pass national legislation that conforms to the international treaties and encourages individual states/provinces to implement their own legislation to prevent the execution of juveniles.

19. HRA recommends that the Commission request all States, particularly Iran, Pakistan, Saudi Arabia, the United Arab Emirates and Yemen to cooperate fully with the efforts of the Special Rapporteur on extrajudicial, summary or arbitrary executions and provide all information requested. Additionally, the Commission should commend the United States for making information available concerning its use of the juvenile death penalty.

20. HRA recommends that the Commission urge Pakistan, Saudi Arabia and the United Arab Emirates to ratify the ICCPR without reservations.

21. HRA recommends that the Commission urge the United States to revoke its reservation to article 6 of the ICCPR and ratify both the Second Optional Protocol to the ICCPR and the Convention on the Rights of the Child without reservations.

22. HRA recommends that the Commission request all States to impose a moratorium on the execution of juvenile offenders. HRA further recommends that those States who have not executed juveniles in the past few years should be encouraged to change their national legislation to reflect their prohibition of the juvenile death penalty.

Notes

1/ Amnesty International, Death Penalty News June 1998, AI Index: ACT 53/03/98, June 1998.

2/ Amnesty International, Juvenile Offender Facing Execution in Virginia - A Step Backwards, AI Index: ACT 51/76/98, October 1998.

3/ Idem.

4/ In Amnesty International's report on the juvenile death penalty (AI Index: ACT 50/05/95), the following countries were listed as having executed juveniles since 1985: Bangladesh, Iran, Iraq, Nigeria, Pakistan, Saudi Arabia, the United States and Yemen. It is not recorded in this or other recent reports whether the laws have been changed in Bangladesh or Iraq, but no reports indicate that juveniles have been executed in those countries in the past 10 years. If the laws still allow for juvenile eligibility for the death penalty, HRA recommends that the Commission urge those countries to implement laws setting 18 as the minimum age for death penalty eligibility.

5/ Connie de la Vega and Jennifer Brown, Can a United States Treaty Reservation Provide a Sanctuary for the Juvenile Death Penalty? 32 U.S.F.L. Rev. 735, 760 (1998).

6/ AI Index: ACT 50/05/95, pp. 8-9.

7/ Amnesty International, Iran: Official Secrecy Hides Continuing Repression, AI Index: MDE 13/02/95.

8/ Commission on Human Rights, Fifty-second session. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly Ndiaye, E/CN.4/1996/4, para. 265.

9/ Report of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, E/CN.4/1996/59, para. 43.

10/ Commission on Human Rights, Fifty-fourth session, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/1998/68/Add.1.

11/ Idem.

12/ Idem.

13/ Amnesty International, Death Penalty News: A Summary of Events on the Death Penalty and Moves Towards Worldwide Abolition, September 1997.

14/ Idem.

15/ Amnesty International, Country Report: Pakistan - the Death Penalty, AI Index: ASA 33/10/96, September 1996.

16/ Idem.

17/ Commission on Human Rights, Fifty-fourth session, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, (E/CN.4/1998/68/Add.1.

18/ AI Index: ACT 50/05/95, pp. 8-9.

19/ Amnesty International, AI Index: MDE 23/07/97, July 1997.

20/ Commission on Human Rights, Fifty-second session, Report of the Special Rapporteur on extrajudicial, summary, or arbitrary executions, E/CN.4/1996/4.

21/ Idem.

22/ Idem.

23/ The Human Rights Committee concluded that the reservations are incompatible with the ICCPR and recommended that they be withdrawn. See, Consideration of reports submitted by States Parties under article 40 of the Covenant, CCPR/C/79/Add.50 (1995), para. 14. In 1998, the Special Rapporteur reiterated the fact that the United States reservation should be considered void. Amnesty International, United States of America: Rights for All, on the Wrong Side of History: Children and the Death Penalty in the USA, AI Index: AMR 51/58/98, October 1998. Further, in its resolution 1998/8 the Commission on Human Rights expressed deep concern that several countries impose the death penalty in disregard of the limitations provided for in the ICCPR and the CRC.

24/ Amnesty International, Statement by Pierre Sane, Secretary-General, Amnesty International, AI: AMR 51/73/98, October 1998.

25/ Streib, Victor, Death Sentences and Executions for Juvenile Crimes, January 1973-October 1998, October 1998, pp. 3 and 4, table 1.

26/ Streib pp. 1 and 4, table 1.

27/ Idem, pp. 13-14.

28/ Idem.

29/ Idem, p. 5.

30/ Thompson v. Oklahoma, 487 U.S. 815 (1988) and Stanford v. Kentucky, 492 U.S. 361 (1989).

31/ Streib, p. 13.

32/ Idem, pp. 31-34, Appendix B.

33/ Idem.

34/ Idem, p. 13.

35/ In 1997, the total increase of the death row population over a 14-year period was 165 per cent for the overall population and 103 per cent for juvenile offenders. See Streib, Victor, Death Sentences and Executions for Juvenile Crimes Over the Last Quarter Century, 1973-1997, January 1998, p. 4, table 1.

36/ Several countries over the past few years have adopted the Second Optional Protocol to the ICCPR, which abolishes the death penalty, while the United States has failed to adopt the Second Optional Protocol.

37/ Commission on Human Rights resolution 1998/8, para. 2.

38/ Idem, para. 4.

39/ United States of America Congress, House of Representatives Bill 3 and Senate Bill 10.

40/ AI Index: AMR 51/58/98, p. 12.

41/ Amnesty International, Ratification without Implementation: The State of Human Rights in Yemen, AI Index: MDE 31/01/97, p. 28, March 1997.

42/ Idem, pp. 26-28.

43/ Commission on Human Rights, Fifty-fourth session, Report of the Special Rapporteur on extrajudicial, summary, or arbitrary executions, E/CN.4/1998/68.

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COMMISSION ON HUMAN RIGHTS
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Item 7 of the provisional agenda

THE RIGHT TO DEVELOPMENT

Written statement submitted by the International Federation of Rural Adult Catholic Movements, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council Resolution 1996/31.

[29 December 1998]

GE.99-10516 (EXT)

Realization of the right to development

1. "Fifty years after the adoption of the Universal Declaration of Human Rights, there is an urgency to implement the right to development", affirmed the experts of the Intergovernmental Group of Experts on the Right to Development in their report (E/CN4/1998/29). That urgency stems from the fact that while "the globalization of the world economy and the increasing pre-eminence of market rules have provided new opportunities, but also new risks, in the efforts to achieve development, [t]here is a risk of marginalization of countries, groups and individuals that are unable to compete."

2. The movements that form the International Federation of Rural Adult Catholic Movements (FIMARC), for their part, recognize the same urgency of the exercise of the right to development. Their delegates, meeting at the World General Assembly in October and November 1998, analysed the current situation of peasant farmers and rural inhabitants in their various countries. They noted that the situation is increasingly appalling and that globalization of the economy, in addition to the other disasters - not all of them natural - is instrumental in marginalizing an increasingly broad segment of rural populations worldwide and relegating them to a situation of even greater instablility].

3. Their analysis of the neo-liberal economic system leads them to emphasize that it is a system that is imposed worldwide, whatever the latitude and whatever the nuances so eagerly sought between one continent and another. This system always seeks maximum profit for an ever-dwindling minority.

4. The many tangible adverse effects include expropriation of land; control of international trade dominated by the World Trade Organization (WTO) at the expense of local commerce and small-scale producers; growing numbers of outcasts and unemployed in rural areas; increase in permanent and seasonal work-related migration; conflicts and wars used by a minority to control, and even destroy, natural resources such as land, water and forests.

5. In addition to their economic function, the transnational corporations, which bear much of the responsibility for squandering the planet's natural resources, play an increasingly decisive role in State policy. They use international institutions such as the World Bank and the IMF to impose structural adjustment policies, or even WTO to impose regional market conditions (MERCOSUR, ALENA, CAP and the Lomé Conventions among others).

6. Political power, thus dominated by economic power, has lost its freedom to direct the policies that could meet the populations' needs. The UNDP studies contained in the 1998 World Human Development Report inform us that over one billion people are not in a position to satisfy their most basic needs.

7. The dominant economic system encourages greater concentration of land. It relies on industrial agriculture that is increasingly chemical and on an array of genetic manipulations (seeds and animals). This erodes the right of peoples to feed themselves and their nutritional sovereignty, denying them access to land and the right to independent control of the production, processing and marketing of their food products.

8. The market economy penalizes the most fragile countries by destroying their local and national trade structures through the interplay of exports-imports. It promotes excessive consumption of non-essential goods, plunging low-income families into debt. It destroys the value systems and the very culture of peoples, especially indigenous communities, and demolishes the very foundations of democracy and community.

9. The advance of the new technologies opens up an immense field for the appetites of companies over-eager for potential profits and indifferent to the development and rights of the populations concerned. Thus, the patents deposited by pharmaceutical or agribusiness firms seeking to appropriate the local population's traditional lore and knowledge about medicines or seeds are a direct infringement of the right to intellectual property.

10. Perpetually bealeaguered by this economic model, the rural movements proffer another vision of economics and development:

a) For them, human beings must be, far and above any commercial considerations, the subject of development and, therefore, also its main actor and beneficiary;

b) Also deserving of priority is the sort of development that respects people's "cohabitation" in harmony with the environment, as is development in which men and women, equal before the law, work together in the service of the local community and the human community as a whole.

c) The autochthonous peoples' struggle for recognition of their own identities and the resolve to promote an active role for women in economic, political, social and cultural organizations are also urgent requirements for attaining harmonious development;

d) Respect for human rights perceived as a whole (civil and political rights, economic, social and cultural rights) is a prerequisite to the attainment of genuine development.

11. States have a responsibility to ensure the realization of the right to development. This is why, in accordance with the recommendations of the Intergovernmental Group of Experts on the Right to Development, the FIMARC movements call upon the States to:

a) Adopt economic and social measures in order to avoid the exclusion of groups marginalized by extreme poverty, which directly denies the right to development.

b) Ensure not only that the poorer and more vulnerable groups, including landless peasants, the autochthonous population and the unemployed, have access to means of production such as land and credit, but that they are assured of the right to work and the right to means of subsistence and to a reasonable income as a fundamental right.

c) To ensure that the vulnerable sectors and the associations representing the public interest (such as consumer groups, workers' organizations, environmental and human rights protection agencies, and women's

organizations) are allowed to play an active role and defend their interests in the places and bodies in which decisions concerning them are taken; for example, when a local or national budget is being prepared or when economic and social policy is being evolved).

12. In conclusion, the FIMARC movements unconditionally support the Intergovernmental Group's proposal to establish a follow-up mechanism to perform the following functions:

a) Review the progress made in the implementation of the right to development and to provide specific recommendations thereon;

b) Examine World Bank, IMF and WTO activities relevant to the implementation of the right to development, and

c) Submit to the Commission on Human Rights an annual report containing its conclusions and suggestions.

13. In view of their perplexing situation, rural inhabitants await with growing impatience the initial findings of the working group for the establishment of a follow-up mechanism, as decided unanimously by the Commission on Human Rights in resolution 1998/72 on the right to development.

14. This decision is, in fact, an initial response to the concerns expressed at the recent World General Assembly of rural movements which established provisions and commitments for the coming years "for harmonious and sustainable development worthy of humankind today and a source of hope for future generations".

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement submitted by the International League for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 January 1999]

Belarus: call for appointment of a special rapporteur

1. The International League for Human Rights, a non-governmental organization now in its fifty-eighth year, is gravely concerned about the continuing deterioration of civil, political, economic and social rights in Belarus in the past year. The Human Rights Committee, in examining Belarus in 1998, found that the former republic of the Soviet Union was deteriorating towards a "Soviet-style police State".

2. At the fifty-fourth session of the Commission on Human Rights, the Special Rapporteur on the right to freedom of opinion and expression (Mr. Abid Hussain) reported on his mission in 1997 to the Republic of Belarus (E/CN.4/1998/40/Add.1), concluding that suppression of the media and freedom of information under President Alexander Lukashenko was widespread, with severe consequences for human rights and the rule of law.

3. At the fiftieth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, a resolution was passed on Belarus condemning the wholesale repression of freedom of expression and the excessive powers seized by the executive branch of government to the detriment of the promotion and protection of human rights.

4. The Belarusian leadership has not complied with any of the recommendations made by the Special Rapporteur or the Sub-Commission or any other intergovernmental bodies such as the European Union regarding removal of censorship and end to the persecution of journalists, permission for the free distribution of information, and the protection of the rights of journalists, lawyers, human rights advocates and parliamentarians. In the time since the Special Rapporteur's mission, a law has been passed providing for up to five years of imprisonment for speech or writings vaguely defined as "insulting the President". Recently, the President threatened with prosecution for "anti-constitutional" activity those independent newspapers which critically discussed the constitutional crisis. In July 1999, the President's term under the legitimate 1994 Constitution will expire; in November 1996 the President rewrote the Constitution to extend his term unlawfully (despite a Constitutional Court ruling) and is likely to avoid, or manipulate local and national elections this year through suppression of the media.

5. The jailing and fining of demonstrators, including workers who protest about the deterioration of wages and the standard of living, continue unabated. Vera Stremkovskaya, a civil rights attorney who has defended the most politically-sensitive cases of former officials and parliamentarians, has been threatened repeatedly with disbarment for her statements at home and abroad about the miscarriage of justice. At least three other attorneys have been disbarred for their defence of clients facing politically-motivated charges.

6. The Organization for Security and Co-operation in Europe (OSCE) Advisory and Monitoring Group (AMG) has recorded numerous instances of detentions and beatings of demonstrators and other activists, some of them minors, and has visited some political prisoners in detention, but has been unable to secure their release or even review of their cases.

7. The League calls for the appointment of a United Nations special rapporteur on Belarus in order to examine thoroughly the full range of rights, including freedom of speech and assembly, but also to examine the continuing effects on public health of the consequences of the Chernobyl disaster and the failure to provide adequate public information on AIDS; the impact on economic and social rights of the curbing of labour movements and the ban on the sale of farm products abroad; the consequences for women's rights of the failure to provide protection against domestic violence and opportunities for education and professional advancement; and the effect on cultural rights of the discouragement of the use of the native Belarusian language.

8. Frequently in the United Nations context there are calls to leave such situations as Belarus to regional institutions like the OSCE. And yet the League must conclude that after nearly a year of work by the AMG, the Government of Belarus has still failed to comply with its recommendations; nor has progress been made towards legitimizing the institutions of civil society, such as the independent media and the 13th Supreme Soviet (the disbanded parliament). Regional actors have a number of reasons for being unable, or unwilling, to act on Belarus. Dozens of regional ambassadors were expelled in the past year over a trumped-up housing crisis and few have returned. With its impending membership in the North Atlantic Treaty Organization (NATO), Poland, a neighbour, has been placed in a difficult situation vis-à-vis Russia, another neighbour, which is now rapidly extending its influence throughout Belarus. Russia, which has failed to act definitively to prevent further worsening of the human rights situation in Belarus, has in fact strengthened the forces for dictatorship in its recent moves further to merge the two nations. The resurgence of communist and fascist movements in both Belarus and Russia, not discouraged by their leaders, poses a threat to the security and human rights of Europe as a whole.

9. Therefore, it is imperative that the United Nations, the world body of which the Republic of Belarus was among the founders, act promptly to bring to bear on this intractable situation an impartial mechanism that may be able to provide alleviation to the victims of human rights violations.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement submitted by the Baha'i International Community, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 January 1999]

GE.99-10469 (E)

The current situation of the Baha'is in Iran

1. With approximately 300,000 members, the Baha'i Faith, the largest religious minority in Iran, is not recognized as a religion by the Iranian Constitution. The Islamic regime refers to it as a heresy and a conspiracy and designates its followers "unprotected infidels", who have no legal rights, although Iran is a signatory to the International Covenant on Civil and Political Rights, which guarantees freedom of religious belief.

2. A secret Iranian government document published by the Commission on Human Rights in 1993 confirms that Iranian anti-Baha'i actions reflect deliberate government policy. Produced by the Supreme Revolutionary Cultural Council of Iran on 25 February 1991 and approved by the Islamic Republic's Supreme Leader, this document sets forth specific guidelines for dealing with "the Baha'i question" so that Baha'i "progress and development shall be blocked". It is no less than a blueprint for the slow strangulation of the Baha'i community.

3. The Baha'i community in Iran poses no threat to the authorities. The principles of the Baha'i Faith require Baha'is to be obedient to their Government and to avoid partisan political involvement, subversive activity and all forms of violence. The Baha'i community in Iran is not aligned with any Government, ideology or opposition movement.

4. The Baha'is seek no special privileges. They desire only their rights under the International Bill of Human Rights, of which Iran is a signatory.

Recent changes in the situation

5. The most recent and notable change in the situation of the Baha'is in Iran has occurred in Mashhad, the capital of the Khurasan province. On 21 July 1998 a Baha'i prisoner, Mr. Ruhu'llah Rawhani, was executed; shortly thereafter the death sentences of two other Baha'i prisoners in Mashhad were confirmed.

6. Furthermore, there has been a widespread assault on Baha'i educational activities in Iran, including the arrest of more than 36 faculty members of the Baha'i Institute of Higher Education and confiscation of materials, records and educational equipment. More than 500 Baha'i homes throughout Iran were also recently raided (October 1998).

7. In September 1996, the Baha'i International Community was informed that Baha'i students had been barred from the final year of high school, which had been designated a pre-university year. This discrimination against Baha'i youth now appears to have been lifted and they are able to register for the pre-university year at their high school.

Executions, death sentences and imprisonment

8. Since 1979, more than 200 Baha'is have been killed, and 15 others have disappeared and are presumed dead.

9. Mr. Ruhu'llah Rawhani, executed by hanging on 21 July 1998 after having served nine months in solitary confinement, stood accused of converting a woman to the Baha'i Faith. The woman concerned refuted the accusation, stating that her mother was a Baha'i and she herself had been raised as a Baha'i. There is no evidence that Mr. Rawhani was accorded any legal process or access to a lawyer, and no sentence was announced prior to his execution.

10. Moreover, the Baha'i International Community has been informed that the death sentences of two prisoners recently condemned in Mashhad, Messrs. Sirus Dhabihi-Muqaddam and Hidayat-Kashifi Najafabadi, have been confirmed, and that they may very soon meet the same fate as Mr. Rawhani. When confronted by the international community, the Government of Iran declared these cases to be crimes concerning national security, charges which had not been raised before the public condemnation of these sentences.

11. Arbitrary arrests of Baha'is continue, with a marked increase in the number of short-term detentions in various areas of the country. During the past three years more than 200 Baha'is have been arrested and detained for periods ranging from 48 hours to six months.

12. The 17 persons being held in prisons because of their religious beliefs, as of December 1998, are as follows:

Name	Date of Arrest	Charge	Sentence
Mr. Bihnam Mithaqi	29 April 1989	Zionist Baha'i activities	Death
Mr. Kayvan Khalajabadi	29 April 1989	Zionist Baha'i activities	Death
Mr. Musa Talibi	7 June 1994	Teaching the Faith, apostasy	Death
Mr. Dhabihu'llah Mahrami	6 September 1995	Apostasy	Death
Mr. Mansur Haddadan	29 February 1996	Holding a children's art exhibition	3 years
Mr. Arman Damishqi	Early 1996	Misconduct (refused to recant)	8 years
Mr. Kurush Dhabihi	Early 1996	Misconduct (refused to recant)	8 years
Mr. Nasir Qadiri	5 November 1997	Continuing "Family life" meetings	3 years
Mr. Sirus Dhabihi-Muqaddam	Oct./Nov. 1997	Continuing "Family life" meetings	Death
Mr. Hidayat Kashifi Najafabadi	Oct./Nov. 1997	Continuing "Family life" meetings	Death
Mr. Ata'u'llah Hamid Nasirizadih	Oct./Nov. 1997	Continuing "Family life" meetings	10 years
Mrs. Sonia Ahmadi	1 May 1998	Holding of meetings for the youth	3 years
Mr. Manuchehr Ziyai	1 May 1998	Holding of meetings for the youth	3 years

Mr. Ziaullah Mirzapanah	Early October 1998	Related to Baha'i Open University (BIHE)	Unknown
Mr. Farzad Khajeh	Early October 1998	Related to BIHE	Unknown
Dr. Sina Hakiman	Early October 1998	Related to BIHE	Unknown
Mr. Habibullah Ferdosian	Early October 1998	Related to BIHE	Unknown

Denial of the right to organize as a peaceful religious community

13. Since 1983 the Baha'i community has been denied both the right to assemble officially and the right to maintain its administrative institutions, those democratically elected governing bodies which in other countries organize and administer the religious activities of the community. Since the Baha'i Faith has no clergy, the denial of the right to elect these institutions threatens the very existence of a viable religious community. These sacred institutions perform many of the functions reserved to clergy in other religions and are the foundational element of Baha'i community life.

14. The latest events in Khurasan suggest ar intensification of efforts to terrorize members of the Faith and to suffocate the spiritual life of the Baha'i community in the region by further curtailing activities aimed at providing education to Baha'i children and youth. A recent example of this abuse was the arrest, detention and summary sentence of two teachers in Mashhad, the capital of Khurasan, to three years' imprisonment, while their students were given suspended sentences, to be carried out should the young people again commit the "crime" of participating in such classes. In the middle of September 1998, three more Baha'is, Mrs. Nahid Sabeti, Mr. Manouchehr Sharifi and Mr. Hushmand Sanani, were arrested, this time in Bujnurd, northern Khurasan, for participating in Baha'i "Family life" gatherings. After spending six days in prison, they were released, having also been given suspended sentences of five years' imprisonment.

Confiscation and destruction of community properties

15. Baha'i cemeteries, holy places, historical sites, administrative centres and other assets were seized shortly after the 1979 revolution. No properties have been returned and many have been destroyed. Seizure of cemeteries throughout Iran has created problems for Baha'is, who have difficulties burying their dead and identifying gravesites. They are permitted access only to areas of wasteland, designated by the Government for their use, and are not permitted to mark the graves of their loved ones.

Confiscation of properties belonging to Baha'is

16. The property rights of Baha'is are generally disregarded. Since 1979, large numbers of private and business properties belonging

to Baha'is, including homes and farms, have been arbitrarily confiscated. Recently, over 500 Baha'i homes throughout Iran were raided by intelligence officers. When queried about the seizure of personal household effects like television sets and pieces of furniture, these officers claimed that they had been authorized by the Attorney-General to take anything they wished.

Denial of employment, pensions and other benefits

17. The confiscation of property is only one of the ways in which the Government is systematically weakening the economic base of the Baha'i community. Many Baha'is in Iran have also been deprived of the means to earn a living. In the early 1980s more than 10,000 Baha'is were dismissed from positions in government and educational institutions because of their religious beliefs. Many remain unemployed and receive no unemployment benefits. The pensions of Baha'is dismissed on religious grounds were terminated; some of the Baha'is have even been required to return salaries or pensions paid to them. Baha'i farmers are denied admission to farmers' cooperatives, which are often the only sources of credit, seeds, pesticide and fertilizer.

Denial of access to education

18. An entire generation of Baha'is has been systematically barred from higher education in legally recognized public and private institutions of learning in Iran. Having been denied access to higher education for years, in 1987 the Bahai's established their own higher education programme to meet the educational needs of as many of their young people as resources would allow. Since 1987, almost 1,000 young people have been enrolled and a number have graduated with the equivalent of a Bachelor's degree. Several are presently pursuing graduate studies in Western colleges and universities.

19. In late September 1998, more than 36 faculty members of the Baha'i Institute of Higher Education (BIHE) were reported to have been arrested in cities across the country. It is understood that most of these have now been released, but that four in Isfahan remain in custody. The arrests were carried out by officers of the intelligence agency of the Government of Iran, the Ministry of Information, and also involved the seizure of textbooks, scientific papers and documentary records, some 70 computers and items of furniture useful to students, including tables and benches. Those arrested were asked to sign a document declaring that BIHE had ceased to exist as of 29 September 1998 and undertaking that they would no longer cooperate with it. The detainees refused to sign any such declaration.

Denial of civil rights and liberties

20. Unlike Christianity, Judaism and Zoroastrianism, the Baha'i Faith is not recognized in the Iranian Constitution; therefore, Baha'is fall

into the category of "unprotected infidels", whose rights can be ignored with impunity. In general, the pressures placed on Baha'is by the judicial system have increased.

21. Neither Baha'i marriage nor divorce is legally recognized in Iran, and the right of Baha'is to inherit is denied. For example, a Baha'i was recently prevented from receiving her rightful share in the inheritance following the death of her daughter. The Ministry of Justice, Tehran Civil Court, issued a "certification of inheritance" which states that the only heir of the deceased is her husband, a Muslim, "because the other inheritors are Baha'is, and subject to article No. 881 of the Civil Law". On appeal, the Central Public Court ruled that this woman's objection to the previous verdict "is unfounded because she has frankly admitted to the court that she is a Baha'i". Until 1995, attempts to gain probate were permitted if carried out in a special way; however, since 1996, Baha'is have been strictly forbidden to seek probate.

22. The freedom of Baha'is to travel outside or inside Iran is often impeded by the Iranian authorities and sometimes denied. Although the past year has witnessed an increase in the number of Iranian Baha'is given passports, it is too soon to judge whether there has been a change of policy on the part of the Government on this issue. Such treatment is not confined to Iran itself. Baha'is applying to Iranian embassies abroad to renew their passports or to obtain visas to return to Iran have often found officials similarly uncooperative. However, the Iranian embassies in some countries do not require the applicants to state their religious affiliation; in such countries, Baha'is are more likely to be able to obtain visas or to renew their Iranian passports. Passport application forms which require applicants to declare their affiliation with a "recognized religion" have been used to pressure Baha'is to recant their religious beliefs.

23. Furthermore, in a number of communities the practice of summoning Baha'is to the security offices on various specious pretexts and insulting and belittling them, so as to create fear in their families and weaken their spirits, continues unabated.

<u>No improvement in the situation since the election of President Khatami</u>

24. Regrettably, since President Mohammad Khatami took office, there has been no discernible improvement in the situation of the Baha'is in Iran. Recent events in Mashhad indicate that the persecutions of Baha'is have indeed intensified. With the execution of Mr. Ruhu'llah Rawhani on 21 July 1998 and the subsequent confirmation of the death sentences of two more Baha'i prisoners, Messrs. Sirus Dhabihi-Muqaddam and Hidayat-Kashifi Najafabadi, no other conclusion can be drawn.

25. The current circumstances are best understood in the context of the unique nature of the persecution to which Iranian Baha'is have been subjected for over a century. The Iranian Baha'i community has frequently served as a scapegoat, used by various factions struggling for political ascendancy. This has been the case regardless of the

changes in political or dynastic regime. Whenever political leaders have felt a need to divert public attention from some economic, social or political issue, they have found the Baha'i community an easy target because of the senseless hostility and prejudice inculcated in the public by generations of ecclesiastical propaganda. It is, therefore, not the actions of the Baha'is but the circumstances of Iranian history that have conspired to make the "Baha'i case" a litmus test of sincerity for Iranian public figures who represent themselves as voices of reform and progress.

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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by the Baha'i International Community, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

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The Baha'i Institute of Higher Education: a creative and peaceful response to religious persecution in Iran

1. Since 1980, as part of a government-directed attempt to destroy the intellectual and cultural life of the 300,000-member Baha'i community, young people who declare their Baha'i identity have been systematically excluded from colleges and universities in Iran.

2. Deeply concerned at seeing an entire generation of its best and brightest languish without the opportunity for higher learning, the Baha'i community of Iran launched a creative and wholly non-violent response: the establishment of its own independent, full-fledged, yet completely decentralized, university system. The New York Times, in an article about the university published on 29 October 1998, called this effort "an elaborate act of communal self-preservation".

3. Founded in 1987, the Baha'i Institute for Higher Education (BIHE) had, until September 1998, an enrolment of more than 900 students, a faculty of more than 150 first-rate academics and instructors, and an "infrastructure" composed of various classrooms, laboratories and libraries scattered throughout Iran in private homes and buildings.

4. As has been widely reported in the international news media, agents of the Government of Iran staged a series of sweeping raids in late September and early October 1998, arresting at least 36 members of the BIHE faculty and staff and confiscating equipment and records located in over 500 homes.

5. As the New York Times noted, "[t]he materials confiscated were neither political nor religious, and the people arrested were not fighters or organizers. They were lecturers in subjects like accounting and dentistry; the materials seized were textbooks and laboratory equipment".

6. Those who were arrested, many of whom have now been released, were asked to sign a document declaring that BIHE had ceased to exist as of 29 September 1998 and that they would no longer cooperate with it. The detainees refused to sign any such declaration.

7. To informed observers, the recent arrests and confiscations are clearly part of a long-standing and centrally orchestrated campaign by the Iranian authorities to deal with the Baha'i community in Iran "in such a way that their progress and development are blocked". This is the stated intent of the policy set forth in a secret 1991 government memorandum that instructed authorities how to deal with "the Baha'i question". The actions against BIHE, likewise, reflect a new and dangerous period for the Baha'i community in Iran. This period was ushered in by the summary execution of Mr. Ruhu'llah Rawhani, a 52-year-old medical supplies salesman who was hanged in Mashhad on 21 July 1998 solely for religious reasons, and the subsequent confirmation of death sentences against two other Baha'is in Mashhad in September.

8. The secret government memorandum, drawn up by the Supreme Revolutionary Cultural Council in February 1991, was obtained and made public in 1993 by Mr. Reynaldo Galindo Pohl, the Special Representative of the Commission on Human Rights on the situation of human rights in Iran. Signed by Iranian

Supreme Leader Ali Khamenei, the memorandum established a subtle government policy aimed essentially at grinding the community into non-existence by forcing Baha'i children to have a strong Islamic education, pushing Baha'i adults to the economic periphery and forcing them from all positions of power or influence, and requiring Baha'i youth to "be expelled from universities, either in the admission process or during the course of their studies, once it becomes known that they are Baha'is".

Not an "underground" university

9. It would be incorrect to call the Baha'i Institute for Higher Education an "underground university", since its existence was well known to the authorities from its earliest years. In fact, in 1996 the Iranian authorities conducted far-reaching raids against BIHE sites, confiscating records and equipment but not moving to shut down the operation. In keeping with Baha'i religious teachings on obedience to government, the Baha'is in Iran always answered forthrightly questions about the Institute and any other activities when asked. Nevertheless, inasmuch as the Baha'is of Iran have been blocked from operating their institutions freely and normally, they resorted to the concept of running an "open university" that was both highly decentralized and carefully circumspect in its operation.

10. Until the government raids at the end of September 1998, the Institute offered Bachelor's degrees in 10 subject areas: applied chemistry, biology, dental science, pharmacological science, civil engineering, computer science, psychology, law, literature and accounting. And within these subject areas, which were administered by five university "departments", the Institute was able to offer more than 200 distinct courses each term. In the beginning, courses were based on correspondence lessons developed by Indiana University, which was one of the first institutions in the West to recognize the Baha'i Institute for Higher Education. Later on, course offerings were developed internally. The teaching was done principally via correspondence, or, for specialized scientific and technical courses and in other special cases, in small-group classes that were usually held in private homes.

11. "At the beginning, the students did not even know the names of their professors", said one BIHE professor, who, like most others interviewed, wanted to remain anonymous out of fear for his safety and that of his relatives in Iran. Even after three or four years, the students did not know the names of their professors. They had never seen them because it was very dangerous. If somebody knew a professor's name, he or she might tell a friend. So all courses were conducted by correspondence at the beginning of this plan.

12. Over time, however, the Institute was able to establish a few laboratories, operated in privately owned commercial buildings in and around Tehran. These laboratories included a computer science laboratory, a physics laboratory, a dental science laboratory, a pharmacological laboratory, an applied chemistry laboratory and a language study laboratory. The operations of these laboratories were kept prudently quiet, with students cautioned not to come and go in large groups that might give the authorities a reason to object.

An all-volunteer, unpaid faculty

13. At its peak, the Institute had more than 150 faculty members. Approximately 25 or 30 of them were professors who were fired from government-run universities after the 1979 Islamic Revolution. Other faculty members included doctors, dentists, lawyers and engineers who gave of their time to teach students. The majority were educated in Iran, but a good number have degrees from universities in the West, including the Massachusetts Institute of Technology, Columbia University, the University of California at Berkeley and the Sorbonne. None of the Baha'i faculty members were paid for their time; all gave it freely as a form of community service. "These youth are very precious people", said a faculty member, explaining why they were willing to take such risks, without monetary remuneration, to establish the Institute. "We all care about them. They have been through tests and trials and they had no hope. They have been deprived of many things, so if there is any chance for us to get something better for them, we did it."

14. Each of the five departments drew not only on these volunteer professors for their academic expertise but also on a small and anonymous group of Baha'i academics in North America, Europe and Australia. These outside academics sent in the latest textbooks and research papers, occasionally made visits to Iran as guest lecturers, and otherwise provided instructional and technical support. "The Baha'i youth are all raised to want to study and become professionals", said one of the academics involved in supporting the Institute. "So to sit around and do nothing is a very serious psychological pressure. And before the Open University really got going, the youth were in a hopeless position." The academic, who is Iranian born and still has family in Iran, also asked that his name not be used.

High academic standards

15. Entrance examinations were required for BIHE and the Institute established high standards. Of the roughly 1,500 students who applied for admission in its first year of operation, 250 were accepted for the first semester of study. By 1996, a total of 600 students had enrolled in the Baha'i Institute of Higher Education and were pursuing their studies and, by 1998, approximately 900 students were enrolled. One former student, who is now living outside of Iran, likened the attitude of many of the students to Gandhi's attitude of non-violent resistance. Denied the right to an education by the authorities, students were determined to study to show the Government that they could study.

16. Among the indications of the Institute's surprisingly high academic standards and instructional level was the success that a few Institute graduates had in gaining admission to graduate schools outside Iran, including major universities in the United States and Canada. It should be noted, however, that some Institute graduates and students outside Iran have had a difficult time getting their credits recognized. Such challenges, which are a fact of life for Institute graduates, stem directly from the policy of the Government of Iran of blocking their access to education and its refusal to recognize the Institute officially.

17. "In Iran, you have to apply for an examination to go to college", said one former BIHE student, who also asked to remain anonymous. "If you are successful at your exam, you can go to university." The student described the examination form as asking, "What is your religion?" The possible answers listed are "Islam, Christianity, Judaism and Zoroastrianism". When the Baha'i students either didn't write anything or wrote "Baha'i" off to the side, they were not given an entrance card to go to the examination hall. So they couldn't even take the exam."

Complex administration

18. In its day-to-day operation, the Institute functioned basically like a correspondence school, but with its own delivery service. In its early years, students and faculty sent homework assignments and lessons back and forth via the State-run postal system. But the packages often did not arrive and were assumed to have been intercepted as part of the Government's attempt to interfere with Baha'i education.

19. Since professors could not deliver lectures openly, they prepared their own written notes and compiled textbooks for distribution to the students. As noted above, some of these texts were based on the latest Western research. One student of civil engineering, for example, was studying the construction of earthquake-proof earth silos - and the Institute's overseas contacts were able to get for him some of the latest research on this topic from the Massachusetts Institute of Technology. "Our aim was to offer the best courses available in Iran", said a faculty member. The entire operation relied heavily on the use of extensive photocopying, and one of the biggest blows in the recent raids was the confiscation of several large photocopying units.

20. The Institute system also featured a network of special depository libraries around the country. Numbering more than 45, these libraries existed in the private homes of Baha'is and enabled students in each district to obtain access to the necessary textbooks for the courses. Some of these libraries were seized in the recent raids.

Shutdown

21. Over time, as Institute officials began to feel increasing confidence about their operation, they started to organize many group classes along with independent study in private homes. The Institute also began to publish sophisticated course catalogues, listing not only course offerings but the qualifications of the faculty members. Through the international network of Baha'i communities worldwide, the Institute also began to establish the means by which its graduates might become fully recognized by institutions of higher education outside Iran.

22. It is not clear to the Baha'i community of Iran why the raids and confiscations were launched in late September 1998. Government officials have not been forthcoming with explanations when asked about the actions. According to the New York Times, Iranian officials made no comment when asked about the raids and arrests.

23. Among other significant human rights conventions, Iran is a party to the International Covenant on Economic, Social and Cultural Rights, which was adopted by the United Nations General Assembly on 16 December 1966. Parties to this Covenant recognize "the right of everyone to education" and more specifically that "higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means".

24. The exclusion of Baha'is from access to higher education in Iran certainly constitutes a gross violation of the Covenant. These latest steps taken to shut down the Iranian Baha'i community's creative and peaceful response only increases public outrage regarding the attempt by the Government of Iran to strangulate the Baha'i community.